IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

**ORDER**

S.B.CRIMINAL MISC. PETITION NO. 107/2005
(Nokh Ram V/s State of Rajasthan & Ors.)

Date of Order : 28/08/2006

**PRESENT**

**HON'BLE MR. JUSTICE H.R.PANWAR**

Mr. Vinod Bhadu for the petitioner.
Mr. Ashok Upadhyay, public prosecutor.
Mr. G.R.Goyal for the non-petitioners.

**BY THE COURT**:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 30.9.2004 passed by learned Additional Sessions Judge No.1, Sriganganagar (for short 'the revisional court' hereinafter) whereby the revision petition filed by the petitioner against the order dated 30.9.2003 passed by Additional Chief Judicial Magistrate, Sriganganagar (for short 'the trial court' hereinafter), was dismissed.

By order dated 30.9.2003, the trial court accepted the negative final report filed by the police and dismissed the protest petition filed by the petitioner by a well reasoned order. The revisional court, on examination of the record, came to the conclusion that there is no ground to proceed against the non-petitioners.

I have heard learned counsel for the parties.

The petitioner has set up case that in the intervening night of 12/13.2.2003, in the mid night, three persons came armed with lathies and abused him. The plea taken by the complainant is that a patta was issued by Gram Panchayat in favour of Panna Lal who is father of non-petitioners, which subsequently, according to the complainant-petitioner, was cancelled. Be that as it may. The police during investigation came to the conclusion that it was Panna Lal, the father of the non-petitioners who was in possession and the witnesses produced by the petitioner were from other village being sons of petitioner and his brother-in-law. By an elaborate order, the trial court came to the conclusion that there is no sufficient ground to proceed against the non-petitioners. That order has been confirmed by a well reasoned order by the revisional court. There is concurrent finding recorded by the courts below. It cannot be said that the order impugned would result in serious miscarriage of justice or abuse of process of any Court.

The petition has no force and is therefore, dismissed. However, it is made clear that the orders passed by the trial court, revisional court and this Court would not prejudice the case of the parties in the civil suit.

**(H.R.PANWAR),J.**

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